

REMARKS

In the office action dated October 17, 2007, the examiner objected to the specification regarding typographical errors, rejected claims 1—3, 6—25, and 27—35 under 35 USC 102(e) as anticipated by Thomas USPN 7,134,130, rejected claims 4—5 under 35 USC 103 as unpatentable over Thomas in view of Gang-Sik Yoon Korean Pub. No. 10-2000-0033070, rejected claims 26 under 35 USC 103 as unpatentable over Thomas, and rejected claim 27 under 35 USC 112, first paragraph as failure to comply with the written description requirement suggesting a "second selected content-based rating" had not been disclosed. Applicant has amended the specification to overcome the examiner's objections and amended certain claims to further clarify the claimed invention, and cancelled claims 15, 17 and 31—32 without prejudice.

In view of the foregoing amendments and subsequent remarks, Applicants request reconsideration and withdrawal of the examiner's rejections.

Objections to Specification

The typographical errors the examiner referred to are in paragraphs 0029, 0045, 0050 and 0062 of the specification of the subject application that appears in the Image File Wrapper of the subject application on the PAIR system. These typographical errors have been corrected by amendment above.

Applicant submits that there are no errors in the last line of paragraph 0034 in the subject application appearing in the specification of the subject application that appears in the Image File Wrapper of the subject application on the PAIR system. Accordingly, Applicant have overcome examiners objection to the specification.

Claim Rejections – 35 USC 102 & 103

As the examiner indicates in an October 17, 2007 Office Action in Applicants related application No. 10/663,016, Thomas fails to disclose the time range specifications and their use combined with content based specification to monitor or control the viewing of programs on a television or other device where the system is configured to check viewing profiles of viewers viewing the television and identify content-based specifications of the viewers that correspond to a current time and comparing the time sensitive content-based specifications to the program content indicator. In the '016 Application Office Action, the examiner suggests that Hancock USPN 6,701,523 fulfills this deficiency. However, a careful review of Hancock reveals that Hancock does not provide a teaching to fill this. As Figures 2, 3, 6—12, 14, 15, 17, 18, 20, 21, and 23—25 make clear, Hancock allows the control or monitoring of viewing based on ratings, i.e., "By Ratings", or time, i.e., "By Time", and does not teach or suggest the combination of the two forms of viewing control within the systems identifies a time range specification for which a reference time falls within and a content-based specification associated with the identified time range specification, and then compares the time sensitive content based specification with the program content indicator. Moreover, the portions of Hancock cited by the examiner in the '016 Application Office Action, make no reference to control or monitoring based on ratings combined with time.

More particularly, Thomas and Hancock, whether individually or in combination, fail to teach or suggest:

receiving timing information indicative of a reference time;
selecting a time range specification corresponding to the timing information;
receiving content-based specifications corresponding to the one or more
viewing profiles associated with the one or more viewers present in the viewing area
and the selected time range specifications, wherein the one or more viewing profiles

include two or more time range specifications and different content-based specifications corresponding to each of the two or more time range specifications;

receiving a content-based indicator indicative of the content of the user discernible information;

comparing the content-based indicator with content-based specifications corresponding to each of the one or more viewing profiles associated with the one or more viewers present in the viewing area and the selected time range specifications;

as claimed in amended claim 1;

selecting a viewer specification corresponding to the viewer indicator, wherein the viewer specification comprises different content-based rating specifications corresponding to each of two or more time range specifications

receiving timing information indicative of a reference time;

selecting a time range specification from the two or more time range specifications of the selected viewer specification corresponding to the reference time;

receiving a content-based rating specification of the selected viewer specification corresponding to the selected time range specification;

comparing the content-based rating with the content-based program rating

as claimed in amended claim 23; and

selecting a second viewer specification corresponding to the second viewer indicator, wherein the second viewer specification comprising different content-based rating specifications corresponding to each of two or more time range specifications;

selecting a time range specification from the two or more time range specifications of the second viewer specification corresponding to the reference time;

receiving a second content-based rating specification of the second viewer specification corresponding to the selected time range specification;

as claimed in amended claim 27.

In view of the foregoing, Applicants respectfully submit that Thomas and Hancock, alone or in combination do not meet or suggest all of the limitations of claims 1, 23 and 27 and, thus, cannot anticipate nor establish a prima facie case of obviousness for claims 1, 23 and 27 and dependent claims 2—14, 16, 18—22, 24—26, 28—30 and 33—35.

The examiner's reliance on Yoon was solely for the purpose of its teaching reference the storage of images of selected individuals and, thus, does not solve the deficiency noted above with regard to Thomas with regards to claim 1.

Accordingly, claims 1, 23 and 27, and claims 2—14, 16, 18—22, 24—26, 28—30 and 33—35 by virtue of their dependence upon 1, 23 and 27, meet the requirements for patentability under 35 USC 102 and 103.

Claim Rejections – 35 USC 112

Applicant respectfully submits that the claims as filed, which are considered part of the disclosure, as well as the specification and accompanying figures, meet the requirements for written description with regard to claim 27.

CONCLUSION

Applicants respectfully assert the application is in condition for allowance. Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

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By: /Kenneth S Roberts/
Kenneth S. Roberts
Reg. No. 38,358

4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-567-6700
Fax: 949-567-6710